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BEFORE THE

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In re Amendment of Section 73.202(b) )  
of the Commission's Rules, Table of Allotments, )  
FM Broadcast Stations )  
(PORT ANGELES, WASHINGTON) )

MM Docket No. 04-\*\*\*  
RM-\*\*\*\*\*

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Office of the Secretary,  
for the Attention of the Assistant Chief, Audio Division, Media Bureau

PETITION FOR RULE MAKING

Plan 9 Broadcasting (*Plan 9*), by its communications counsel, hereby asks the FCC to initiate a rule-making proceeding looking toward the allotment of Channel 229A to the community of Port Angeles, Washington.

1. This Petition seeks the allotment of Channel 229A to Port Angeles, Washington as a third local service. The requested allotment requires no site restriction.<sup>1</sup> Because Port Angeles is located within 320 kilometers of the U.S.-Canadian border, and because the proposed allotment would be short-spaced to Canadian facility CJJR-FM, Channel 229C at Vancouver, British Columbia, and also to the reference point for Channel 230A at Port Renfrew, British Columbia, concurrence of the Canadian government to the allotment as a specially negotiated, short-spaced allotment is necessary. Plan 9 requests the FCC to seek such concurrence.

2. As indicated in Exhibit A, the Engineering Statement of Hatfield & Dawson Consulting Electrical Engineers, the Commission can allot Channel 2229A to Port Angeles consistent with the U.S.-Canadian Agreement on FM Broadcasting as a specially negotiated short-spaced

<sup>1</sup> Reference point: North Latitude 48° 07' 05"; West Longitude 123° 25' 45".

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allotment. As Exhibit A also indicates, the proposed allotment complies with domestic spacing requirements and city-grade-service requirements to Port Angeles.

3. The requested allotment will provide Port Angeles, an incorporated city with a population of 18,397 persons (as reported by the 2000 U.S. Census) with its fifth local service, and its first commercial FM service. Grant of the proposed allotment at Port Angeles will provide a total of 52,322 persons within the 60-dBu contour with an additional aural service. In addition, grant of this proposal will provide the first local commercial FM service to the north coast of the Olympic Peninsula. Port Angeles is located approximately two and one-half hours by car from the major metropolitan center of Seattle, Washington. The trip to Seattle requires either at least one ferry ride (either Kington-to-Edmonds or Bainbridge Island-to-Seattle), or a long drive around the south end of Hood Canal. Reception in Port Angeles of Seattle FM stations is somewhat spotty in any event.

4. The only commercial FM stations which provide 60 dBu service to Port Angeles (apart from Canadian stations licensed to the Victoria, British Columbia, area) are KISM 225C Bellingham, KAFE 282C Bellingham, and KWPZ 293C Lynden, Washington. Bellingham and Lynden are a three hour drive from Port Angeles, again requiring one ferry ride (Port Townsend-to-Keystone). Consequently, residents and businesses in Port Angeles and the surrounding area do not have ready access to any local commercial FM stations to serve their unique needs.

5. Port Angeles was settled in the mid-1800's, and in 1862, President Abraham Lincoln signed an executive order making Port Angeles the Second National City. On June 15, 1890, the city incorporated and the first mayor and five-member council were elected. The City of Port Angeles utilizes the Manager/Council form of government with a City Manager hired by the City

Council. The seven member City Council is elected at large and serve 4-year terms with a limit of three consecutive terms. The City Council elects a Mayor and Deputy Mayor from the Council to serve two year terms. The Council meets the first and third Tuesday of each month, 6:00 p.m., in the City Council Chambers of City Hall. Public hearings are scheduled to commence at 7:00 p.m. The Mayor is Richard Headrick.

6. The Port Angeles Police Department came into existence in June 1915. A Chief of Police replaced the Town Marshall and two patrol officers were added. Just as the City of Port Angeles has grown since 1915, so has the Police Department. Today we are a Washington State Accredited Police Department, with 57 regular employees, a Volunteer Program, and an annual budget of over 3 million dollars.

7. In February 1891, the Port Angeles Fire Department originated as the Gate City Fire Company No. 1. The original 23 "smoke eaters" provided fire protection for the City of Port Angeles on an all volunteer basis until January 1893, at which time they requested compensation of \$3 for each fire fought, \$1 for each alarm responded to, and \$0.50 for each practice session attended. The compensation was for the department rather than the individual. The Gate City Fire Department had a horse-drawn hook and ladder and a double chemical tank on wheels. On September 23, 1926, the City purchased its first motorized pumper (American LaFrance 1,000 gpm). This apparatus is on display at the Port Angeles Fire Department. The PAFD in 2001 responded to 2,951 emergency calls, of which 2,322 were medical emergencies. The PAFD has three ALS ambulances, three fire engines, and one aerial ladder truck.

8. Total enrollment in the Port Angeles School District is approximately 4,500 students. The District employs over 300 certificated staff members and more than 200 classified staff. There are 6 elementary schools, two middle schools, and one high school.

9. Port Angeles is the county seat of Clallam County.

10. Logging and timber have long been important industries. In 1912, Port Angeles was home to the world's largest sawmill. In 1920, a large pulp and paper mill was built by Washington Pulp & Paper Company. Purchased a few years later, and operated by Crown Zellerbach for over 60 years, the mill is now owned by Daishowa America.

11. In 1922, the Port of Port Angeles operating authority was formed. The natural deep-water harbor has always attracted shipping and both commercial and sports fishing. The Port also operates a marina, boat haven and international airport. The City also hosts a Coast Guard Station for search and rescue activities in area waters, as well as a pilot station where all in-bound vessels pick up a pilot to guide the vessels through the inland waters to other Puget-Sound ports.

12. Tourism is a fast-growing industry due to the natural beauty of the area. President Franklin Roosevelt visited Port Angeles in 1937, and in 1938, he designated the Olympic National Park. In 1981, the Park was designated a World Heritage Site. Every year, three million people come to see the beautiful lakes, shoreline, hot springs, glaciers and Temperate-Zone Rain Forest found on the Peninsula.

13. Port Angeles, located in the "rain shadow" of the Olympic Mountains, enjoys a moderate climate with 26 inches of yearly rainfall. Only 60 miles to the West, the rainfall is 140 inches annually. This is why the area can support the lush Temperate-Zone Rain Forest. Due to the natural beauty, moderate climate, excellent medical facilities, and extensive public

transportation system, Port Angeles has become a very popular retirement community and regularly ranks high in national surveys of desirable places to live and retire.

14. Port Angeles has a daily local newspaper, the *Peninsula Daily News*.

15. Port Angeles has exhibited steady growth over the past two decades. As noted above, the 2000 U.S. Census reported Port Angeles's population to be 18,397 persons. Its 1990 Census population was 17,710. Port Angeles's 1980 Census population was 17,311. The city's official web site is <<http://www.ci.PortAngeles.wa.us>>. The Port Angeles Chamber of Commerce has its own web site: <<http://www.portangeles.org>>. That web site lists many local businesses, service establishments, nonprofit community organizations, local attractions, and cultural events.

16. Port Angeles's incorporated status and its status as the County Seat are *prima facie* evidence of its worthiness to enjoy a first local service. But above and beyond those factors, Port Angeles is clearly a vibrant community that richly deserves a local commercial FM service. Allotting Channel 229A to Port Angeles will clearly further the goals of Section 307(b) of the Communications Act of 1934, as amended.

17. Plan 9 states its intent to apply for a construction permit for Channel 229A at Port Angeles, if allotted. Plan 9 further states its intent, should Plan 9 be awarded the construction permit, to build the authorized facilities, to place the constructed facilities into broadcast service, and to seek a license to cover those facilities.

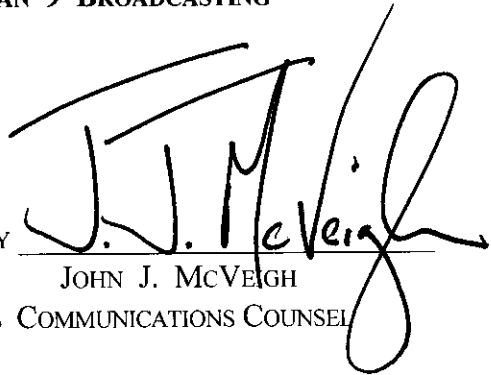
## CONCLUSION

18. For all of the above reasons, the staff should promptly issue a Notice of Proposed Rule Making proposing the adoption of Plan 9's request and allotting Channel 229A to the community of Port Angeles, Washington.

Respectfully submitted,

**PLAN 9 BROADCASTING**

BY

A handwritten signature in black ink, appearing to read "J. J. McVeigh", written over a horizontal line.

JOHN J. McVEIGH

ITS COMMUNICATIONS COUNSEL

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**DATE: SEPTEMBER 16, 2004**

## EXHIBIT A

JAMES B. HATFIELD, PE  
BENJAMIN F. DAWSON III, PE  
THOMAS M. ECKELS, PE  
STEPHEN S. LOCKWOOD, PE  
DAVID J. PINION, PE

PAUL W. LEONARD, PE  
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## **ENGINEERING STATEMENT**

**PETITION FOR RULEMAKING TO  
AMEND SECTION 73.202 OF THE RULES  
AND REGULATIONS FOR THE FEDERAL  
COMMUNICATIONS COMMISSION**

**TO ALLOT FM CHANNEL 229A  
FOR USE AT PORT ANGELES, WASHINGTON**

**PLAN 9 BROADCASTING**

**9/2004**



## **Engineering Statement**

This Engineering Statement has been prepared on behalf of Plan 9 Broadcasting ("Plan 9"), in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to allot Channel 229A for use at Port Angeles, Washington.

### **Channel 229A at Port Angeles**

As outlined in the attached channel study, Channel 229A can be allotted for use at Port Angeles in compliance with the Commission's applicable Rules and Regulations regarding the separation among domestic FM stations and allotments. For this study the reference coordinates of Port Angeles (N48-07-05 x W123-25-45) have been used. The nominal distance to the 70 dBu F(50,50) contour for a Class A station is 16.2 kilometers. As demonstrated on the attached map exhibit, this site will provide greater than 70 dBu coverage for all of Port Angeles.

The proposed allotment of Channel 229A at Port Angeles is 105 km short-spaced to the licensed operation of Canadian station CJJR-FM on Channel 229C at Vancouver, British Columbia, and 12 km short-spaced to a vacant allotment on Channel 230A at Port Renfrew, British Columbia. Plan 9 respectfully requests that Channel 229A at Port Angeles be referred to Canada as a specially-negotiated short-spaced allotment. It is understood that it may be necessary to accept a power restriction towards CJJR-FM and/or Port Renfrew in order to

**Hatfield & Dawson Consulting Engineers**

prevent interference to those facilities over Canadian land areas, and Plan 9 is willing to accept such a restriction.<sup>1</sup>

The instant counterproposal will provide Port Angeles, an incorporated city with a 2000 Census population of 18,397 persons, with its fifth local service, and first commercial FM service.<sup>2</sup>

Grant of the proposed allotment at Port Angeles will provide a total of 52,322 persons within the 60 dBu contour with an additional aural service.

In addition, grant of this proposal will provide the first local commercial FM service to the north coast of the Olympic Peninsula. Port Angeles is located approximately two and a half hours by car from the major metropolitan center of Seattle, Washington. The trip to Seattle requires at least one ferry ride (either Kington-to-Edmonds or Bainbridge Island-to-Seattle) or a long drive around the south end of Hood Canal. Reception in Port Angeles of Seattle FM stations is spotty in any case. The only commercial FM stations which provide 60 dBu service to Port Angeles (apart from Canadian stations licensed to the Victoria, British Columbia, area) are KISM 225C Bellingham, KAFE 282C Bellingham, and KWPZ 293C Lynden, Washington.

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<sup>1</sup>The Working Arrangement for the Allotment and Assignment of FM Broadcasting Channels Under the Agreement Between the Government of Canada and the Government of the United States of America Relating to the FM Broadcasting Service, as amended in 1997, permits the use of directional antennas with front-to-back ratios of as much as 20 dB in order to provide interference protection to stations and allotments in the other country. See Paragraph 3.6 of the Working Arrangement.

<sup>2</sup>Port Angeles currently receives local service from non-commercial FM stations KVIX 207A (not yet on air) and KNWP 211A, and AM stations KIKN 1290 kHz and KONP 1450 kHz. It should be noted that AM station KIKN has agreed to surrender its license in order to accommodate a facility modification for AM station KKOL 1300 kHz Seattle. See BP-20011130AAS, granted on March 31, 2004.

Bellingham and Lynden are a three and a half hour drive from Port Angeles, again requiring one ferry ride (Port Townsend-to-Keystone). Consequently, residents and businesses in Port Angeles and the surrounding area do not have ready access to any local commercial FM stations to serve their unique needs.<sup>3</sup>

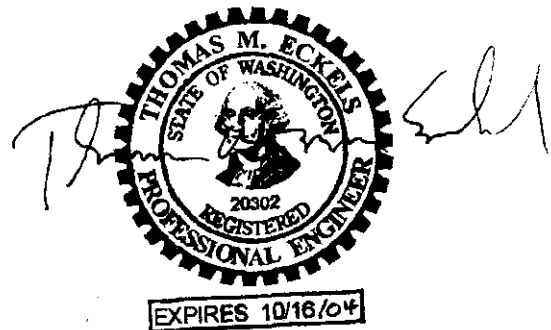
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<sup>3</sup>Two non-commercial FM stations are licensed to Port Angeles, Washington. KVIX 207A Port Angeles is licensed to Pacific Lutheran University, and operates as a satellite station from studios out of Parkland, Washington, 130 kilometers from Port Angeles. KNWP 211A Port Angeles is licensed to Washington State University, and operates as a satellite station from studios out of Pullman, Washington, 500 kilometers from Port Angeles.

### Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Port Angeles, Washington, has been prepared by Erik C. Swanson under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Colorado.

Signed this 13<sup>th</sup> day of September, 2004.



Thomas M. Eckels, P.E.

A handwritten signature in cursive script, reading "Erik C. Swanson".

Erik C. Swanson

Hatfield & Dawson Consulting Engineers

SEARCH PARAMETERS

FM Database Date: 040907

Channel: 229A 93.7 MHz  
 Latitude: 48 7 5  
 Longitude: 123 25 45  
 Safety Zone: 32 km  
 Job Title: PORT ANGELES 229A

Page 1

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KUBEaux LIC	SEATTLE WA	BLH-831110AF	227C 93.3	87.000 375.0	47-32-39 122-06-29	122.4	117.71 0.00	0 AUX
KUBE LIC	SEATTLE WA	BLH-010206AAA	227C 93.3	100.000 387.0	47-32-40 122-06-26	122.4	117.74 22.74	95 CLEAR
CJJRFM	VANCOUVER BC	-	229C 93.7	75.000 686.0	49-21-29 122-57-09	14.0	142.28 -104.72	247 SHORT
NEW-T APP	ELMA WA	BNPFT-030314ADW	229D 93.7	0.140 147.0	46-59-11 123-21-24	177.5	125.94 0.00	0 TRANS
NEW-T APP	INDEPENDENCE WA	BNPFT-030310BNG	229D 93.7	0.150 4.0	46-48-58 123-09-24	171.8	146.20 0.00	0 TRANS
NEW-T APP	MERCER ISLAND WA	BNPFT-030310ASK	229D 93.7	0.010 224.0	47-36-57 122-18-26	123.3	100.82 0.00	0 TRANS
NEW-T APP	ORTING WA	BNPFT-030313BBQ	229D 93.7	0.010 140.0	47-05-24 122-14-26	141.6	145.10 0.00	0 TRANS
NEW-T APP	PORT DISCOVERY WA	BNPFT-030828BIW	229D 93.7	0.110 163.0	48-01-16 122-47-34	102.6	48.64 0.00	0 TRANS
NEW-T APP	SUMMIT LAKE WA	BNPFT-030312BFJ	229D 93.7	0.007 752.0	46-58-31 123-08-16	170.1	128.93 0.00	0 TRANS
NEW-T APP	VASHON CENTER WA	BNPFT-030317ABV	229D 93.7	0.099 130.0	47-26-06 122-27-54	136.2	104.83 0.00	0 TRANS
	PORT RENFREW BC	-	230A 93.9	0.000 0.0	48-32-48 124-24-10	303.9	86.50 -11.50	98 SHORT

44444 END OF FM SPACING STUDY FOR CHANNEL 229 44444



Port Angeles 229A Contour Map

0 6 12 18  
Kilometers

Hatfield & Dawson 9/2004